

Ordinance No: 15-17  
Zoning Text Amendment No: 03-18  
Concerning: Accessory Apartment  
Requirements  
Draft No. & Date: 2 – 11/4/03  
Introduced: July 1, 2003  
Public Hearing: 9/9/03 – 1:30 PM  
Adopted: November 4, 2003  
Effective: November 24, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Praisner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- [[eliminating the 1,200 gross square foot limit on the size of an accessory apartment.]] Establishing a maximum allowable floor area for an accessory apartment that is part of a main dwelling, and a maximum allowable floor area for an accessory apartment located in a separate accessory structure on the same lot as a main dwelling.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-2    “SPECIAL EXCEPTIONS—STANDARDS AND  
REQUIREMENTS”  
Section 59-G-2.00    “Accessory apartment”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws  
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text  
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment No. 03-18 was introduced on July 1, 2003 to eliminate the 1,200 floor area limit on the size of an accessory apartment. An accessory apartment is defined as a second dwelling unit that is part of an existing one-family detached dwelling, or located in a separate existing accessory structure on the same lot as the main dwelling. An accessory apartment must have at least one party wall in common with the main dwelling on a lot of one acre or less.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be revised to retain the 1,200 square foot floor area limit for an accessory apartment that is part of a main dwelling, and to limit the floor area of an accessory apartment located in a separate accessory structure to not more than 50 percent of the total floor area of the main dwelling or 2,500 square feet, whichever is less.

The County Council held a public hearing on September 9, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on October 27, 2003 to review the amendment. The Committee after careful review of the ZTA and comments of Planning Board staff, and Council staff, agreed to retain the 1,200 square foot area limit for an accessory apartment that is part of a main dwelling, and to limit the floor area of an accessory apartment located in a separate accessory structure to not more than 50 percent of the total floor area of the main dwelling or 2,500 square feet, whichever is less.

The District Council reviewed Zoning Text Amendment No. 03-18 at a worksession held on November 4, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-18 will be approved as amended.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-G-2 is amended as follows:**

**DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS.**

\* \* \*

**59-G-2.00. Accessory apartment.**

A special exception may be granted for an accessory apartment on the same lot as an existing one-family detached dwelling, subject to the following standards and requirements:

(a) Dwelling unit requirements:

(1) Only one accessory apartment may be created on the same lot as an existing one-family detached dwelling.

(2) The accessory apartment must have at least one party wall in common with the main dwelling on a lot of one acre (43,560 square feet) or less.

On a lot of more than one acre, an accessory apartment may be added to an existing one-family detached dwelling, or may be created through conversion of a separate accessory structure already existing on the same lot as the main dwelling on December 2, 1983. An accessory apartment may be permitted in a separate accessory structure built after December 2, 1983, provided:

- i. The lot is 2 acres or more in size; and
- ii. The apartment will house a care-giver found by the Board to be needed to provide assistance to a senior adult, ill or disabled relative of the owner-occupant.

\* \* \*

(5) The accessory apartment must not be located on a lot:

\* \* \*

(9) The accessory apartment must be subordinate to the main dwelling.

The floor area of the accessory apartment is limited to a maximum of 1,200 square feet. The 1,200 square feet limitation does not apply to an accessory apartment located in a separate existing accessory structure located on the same lot as the main dwelling. The maximum floor area for a separate existing accessory structure must be less than 50 percent of the total floor area of the main dwelling, or 2,500 square feet, whichever is less.

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council